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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,169	05/03/2001	Nazzareno Massimo Colaiuta	GB920000089US1	7660

7590 06/18/2004

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11400 Burnett Road, Zip 4054
Austin, TX 78758

EXAMINER

RUTTEN, JAMES D

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,169

Applicant(s)

COLAIUTA, NAZZARENO
MASSIMO

Examiner

J. Derek Rutten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 have been examined.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the graphical user interface objects including original and translated identifiers (claim 6 lines 3-5 as appearing on page 19), and the referencing of graphical objects by a corresponding symbolic identifier (claim 6 lines 2-3 as appearing on page 20) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

3. Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 8-11 lack adequate formatting to distinguish organizational elements of the claim. It is not clear which elements make up a package, or if there are any elements at all in a package. Interpretation has been made with reference to the structure of claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,067,639 to Rodrigues et al. (hereinafter referred to as "Rodrigues") in view of U.S. Patent 5,664,206 to Murow et al. (hereinafter referred to as "Murow").

As per claim 1, Rodrigues discloses:

A method of testing a computer program (column 21 line 30 – column 24 line 17)

comprising the steps of:

making a package in a first location (column 1 lines 34-36: "The testing effort would then proceed in a "**black box**" manner by applying test data (an external stimulus) and observing the output of the software product for proper response."), *the package including*

the program (FIG. 3 element 306; column 6 lines 55-57: "A typical testing approach involves the use of a script oriented test tool 304 to apply external stimuli to **application program 306**."),

an operating environment for the program (FIG. 3 element 308; column 6 lines 53-55: "FIG. 3 depicts a typical **computing environment 308** in which the quality assurance or testing team performs their testing function."),

a sample of input data for the program (FIG. 3 element 300; column 1 lines 34-37: "The testing effort would then proceed in a "black box" manner by applying **test data (an external stimulus)** and observing the output of the software product for proper response."),

a set of scripts defining test commands of the program (FIG. 3 element 300; column 6 lines 63-66: "Script oriented test tool 304 may receive inputs from test suite or **script files 300**, which describe a sequence of test steps to be executed."), *and*

a play module for automatically executing the test commands (FIG. 3 element 304; column 6 lines 55-57 as cited above: "test tool 304"),

sending the package to a tester at second location remote from the first location (FIG. 1 element 104; column 1 lines 21-26: "In either case, when the product was deemed to be completed by the development group of engineers, the software product was turned over to the testing process, usually **a separate set of engineers** from the group that developed the software product"),

operating a testing computer at the second location with the package (FIG. 1 element 106; column 1 lines 25-30: "Most, if not all, of the testing process utilized in the development phase would be discarded and the test engineers would begin anew

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evaluating the software product as against its corresponding product specifications.”), and

running the translated program on the testing computer using the test commands

(FIG. 1 element 106; column 6 lines 57-60: “The **application program receives** the externally applied stimuli as a simulated user input **and generates** an appropriate response **by performing** its designated function on that provided input.”).

Rodrigues does not expressly disclose a translated system with user-visible text messages.

However, in an analogous environment, Murow teaches a method for translating software into other national languages, including the translation of user-visible text messages (column 2 lines 49-53: “The present invention provides a system and process which has the advantages of shortening the time and cost required to create a new **localized version** of a **software product** by automating much of the language translation process”; also column 7 lines 56-60: “Level 3 compliant software segregates the **user-visible text**, such as help text, error messages, button labels, menu items, property sheets, text in icons, etc., into a separate message file which is indexed by string contents or by number or some other similar method”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Rodrigues' black box testing system to test Murow's translation/localization system. One of ordinary skill would have been motivated to automatically and systematically test software that has been translated from one natural language to another.

As per claim 4, the above rejection of claim 1 is incorporated. Rodrigues further discloses:

prompting the tester (column 10 lines 49-51),

adding a corresponding error message to a report stored on the testing computer

if the text message is not correct (column 6 lines 66-67), and

sending the stored report to the first location (column 6 lines 38-42).

Rodrigues does not expressly disclose verifying each text message.

However, Murow teaches verification of messages (see bottom of the abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Murow's message verification with Rodrigues' reporting method. One of ordinary skill would have been motivated to verify the proper localization/translation of a software program.

As per claim 5, the above rejection of claim 1 is incorporated. The existence of a translated program and scripts necessarily implies the existence of an original program

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and scripts by definition. All further limitations have been addressed in the above rejection of claim 1.

As per claim 8, Rodrigues discloses *a system for testing a computer program* (FIG. 3). All further limitations have been addressed in the above rejection of claim 1.

As per claim 9, all further limitations have been addressed in the above rejection of claim 8.

9. Claims 2, 3, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rodrigues and Murow as applied to claim 1 above, and further in view of "Norton Ghost" by Darkangel (hereinafter referred to as "Darkangel").

As per claim 2, the above rejection of claim 1 is incorporated. Rodrigues does not expressly disclose installing onto a bulk memory, or taking a snap-shot of the bulk memory.

However, in an analogous environment, Darkangel teaches taking a snapshot of a an installed system and storing it on a removable computer readable medium (page 1, paragraph 1; also page 4: "How do I use Easy CD Creator to create a bootable Ghost image CD?").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the installation and storage methods of Darkangel to install

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and store the test system of Rodrigues. One of ordinary skill would have been motivated to install a system for the purpose of developing software, and store a snap-shot image of the system for the purpose of restoring it at a later date or remote location. A restored system could then be tested in the same environment in which it was created.

As per claim 3, the above rejection of claim 2 is incorporate. Rodrigues does not expressly disclose booting, restoring, and restarting at the second location.

However, Darkangel further teaches:

booting the testing computer from the removable medium (page 1 paragraph 1; also page 4: "create a bootable Ghost image CD"),

restoring the snap-shot onto a bulk memory of the testing computer (page 1 paragraph 1: "restore the image"), and

restarting the testing computer (page 1 paragraph 1: "boot straight away").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Darkangel's restoration method to restore the testing system of Rodrigues. One of ordinary skill would have been motivated to restore a backup version of a system to reproduce a prior saved environment.

As per claim 10, all limitations have been addressed in the above rejection of claim 3.

As per claim 11, all limitations have been addressed in the above rejections of claims 3 and 8.

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Allowable Subject Matter

10. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

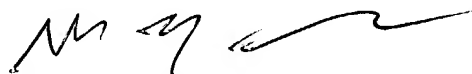
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (703) 605-5233. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdr



WEI Y. ZHEN
PRIMARY PATENT EXAMINER